

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, NOVEMBER 15, 2019

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PETITION OF

VIRGINIA UTILITY PROTECTION
SERVICE, LLC

CASE NO. URS-2019-00389

To amend notification call center performance
standards established in Case No. PUE-2002-00525
pursuant to Va. Code § 56-265.16:1

ORDER FOR NOTICE AND COMMENT

On October 9, 2019, Virginia Utility Protection Service, LLC ("VUPS" or "Company") filed with the State Corporation Commission ("Commission") a Petition seeking to amend notification call center performance standards established in Case No. PUE-2002-00525.¹ VUPS filed the Petition pursuant to § 56-265.16:1 of the Code of Virginia and 20 VAC 5-300-90 A 6 of the Commission's Rules Governing Certification, Operation, and Maintenance of a Notification Center or Centers ("Rule 90 A 6").

VUPS is the notification call center for residents, businesses, and operators of underground Virginia utility facilities. Rule 90 A 6 requires each notification center, such as VUPS, to have and meet Commission-approved performance standards to promote accuracy, cost effectiveness, operational efficiency, and customer satisfaction. The Commission-approved standards may be amended upon request of a notification center. Through its Petition, VUPS seeks to amend the performance standards applicable to it, claiming that some of the standards

¹ *Application of Northern Virginia Utility Protection Services, Inc., and Virginia Underground Utility Protection Service, Inc., For approval of notification call center performance standards*, Case No. PUE-2002-00525, 2003 S.C.C. Ann. Rept. 407, Order Adopting Notification Center Performance Standards and Dismissing Proceeding (Jan. 22, 2003).

are obsolete and others now act as a detriment to good customer service.² Specifically, VUPS proposes to eliminate or change the following requirements:

- **Average Speed of Answer ("ASA"):** VUPS currently must achieve an ASA of no more than 30 seconds on a monthly basis.³ VUPS claims that currently about 65% of its customer tickets are processed online and that the Company expects to increase online utilization to 85% within two years.⁴ According to VUPS, ASA does not capture the quality of the means by which most customers contact the notification center.⁵ VUPS proposes that the 30-second standard be replaced with a requirement that, on a quarterly basis, VUPS report monthly ASA metrics to the Commission.⁶
- **Busy Signal Rate:** Under current standards, VUPS must have a busy signal rate not to exceed 1% of total incoming call volumes.⁷ The Company proposes to eliminate this requirement as obsolete, explaining that its infrastructure no longer allows callers to receive a busy signal.⁸ Instead, customers are directed to automated systems when live call center representatives are unable to answer calls.⁹
- **Customer Satisfaction Standards ("CSS"):** Under current CSS, VUPS must commission third-party quarterly customer satisfaction surveys and maintain a minimum 99% customer satisfaction rate.¹⁰ VUPS seeks to eliminate the requirements for the third-party surveys, minimum 99% satisfaction rate, and associated requirements. In their place, the Company proposes to obtain feedback on service levels and suggestions for improvement through digitally distributed surveys designed by the Company.¹¹ VUPS proposes to share survey results with Commission Staff and also suggests that the Commission may require VUPS to publicly provide information on its website about how to contact the Commission, providing customers an avenue to express concerns with VUPS' service.¹² In support of its request, the Company claims that surveys over the past 17 years show VUPS consistently has met the 99% satisfaction requirement, that the surveys are costly compared to the amount of actionable feedback they produce, and that VUPS already has developed several non-survey customer satisfaction assessment processes.¹³

² Petition at 2.

³ *Id.* at 3.

⁴ *Id.*

⁵ *Id.* at 4.

⁶ *Id.* at 3.

⁷ *Id.* at 4.

⁸ *Id.*

⁹ *Id.* at 4-5.

¹⁰ *Id.* at 5.

¹¹ *Id.*

¹² *Id.* at 5, 6.

¹³ *Id.* at 6.

VUPS proposes to leave in place the standards for the Abandoned Call Rate and for quarterly reporting.¹⁴ The Company requests that any changes to the performance standards be effective for usage on and after March 1, 2020.¹⁵

NOW UPON CONSIDERATION of this matter, the Commission is of the opinion and finds that the Company should provide notice of the proposed changes to the performance standards; that interested persons should have an opportunity to comment and/or request a hearing on the Petition; and that the Commission Staff should investigate the proposed changes and file a report containing its recommendations.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. URS-2019-00389.

(2) Any interested person may obtain a copy of the Petition by submitting a written request to counsel for the Company, Joseph K. Reid, III, Esquire, McGuireWoods LLP, Gateway Plaza, 800 East Cary Street, Richmond, Virginia 23219-3916. If acceptable to the requestor, the Company may provide the documents by electronic means. Copies of the public version of all documents filed in this case also are available for interested persons to review in the Commission's Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, between the hours of 8:15 a.m. and 5 p.m., Monday through Friday, excluding holidays. Interested persons also may download unofficial copies from the Commission's website: <http://www.scc.virginia.gov/case>.

¹⁴ *Id.* at 3.

¹⁵ *Id.*

(3) On or before December 6, 2019, VUPS shall cause the following notice to be published as display advertising (not classified) on one occasion in newspapers of general circulation throughout the Commonwealth of Virginia:

NOTICE TO THE PUBLIC OF A PETITION BY
VIRGINIA UTILITY PROTECTION SERVICE, LLC
TO AMEND NOTIFICATION CALL CENTER
PERFORMANCE STANDARDS
CASE NO. URS-2019-00389

On October 9, 2019, Virginia Utility Protection Service, LLC ("VUPS" or "Company") filed with the State Corporation Commission ("Commission") a Petition seeking to amend notification call center performance standards established in Case No. PUE-2002-00525. VUPS filed the Petition pursuant to § 56-265.16:1 of the Code of Virginia and 20 VAC 5-300-90 A 6 of the Commission's Rules Governing Certification, Operation, and Maintenance of a Notification Center or Centers ("Rule 90 A 6").

VUPS is the notification call center for residents, businesses, and operators of underground Virginia utility facilities. Rule 90 A 6 requires each notification center to have and meet Commission-approved performance standards to promote accuracy, cost effectiveness, operational efficiency, and customer satisfaction. Through its Petition, VUPS seeks to amend the performance standards applicable to it, claiming that some of the standards are obsolete and others now act as a detriment to good customer service. Specifically, the Company proposes to eliminate or change the following requirements:

Average Speed of Answer: VUPS seeks to replace the current 30-second standard with a requirement that the Company report monthly metrics on a quarterly basis to the Commission. VUPS claims the majority of customer tickets are now processed online.

Busy Signal Rate: The Company proposes to eliminate this requirement. VUPS asserts that its infrastructure no longer allows callers to receive a busy signal.

Customer Satisfaction Standard: The Company seeks to eliminate the requirement for third-party surveys, the requirement to maintain a 99% satisfaction rate, and associated requirements. Instead, VUPS proposes to obtain

feedback on service levels and suggestions for improvement through digitally distributed surveys designed by the Company.

The Company proposes to leave in place the standards for the Abandoned Call Rate and for quarterly reporting. The Company requests that changes to the performance standards be effective for usage on and after March 1, 2020.

Interested persons are encouraged to review the Petition in full for additional details about the Company's proposals.

The Commission entered an Order for Notice and Comment docketing the Petition. A copy of this order and the public version of the Petition are available for public view from 8:15 a.m. to 5 p.m., Monday through Friday, excluding holidays, at the Commission's Document Control Center. Unofficial copies also may be viewed on the Commission's website: <http://www.scc.virginia.gov/case>.

Copies of the Order for Notice and Comment and the public version of the Petition also may be obtained by written request to the Company's counsel, Joseph K. Reid, III, Esquire, McGuireWoods LLP, Gateway Plaza, 800 East Cary Street, Richmond, Virginia 23219-3916.

Interested persons may participate in this case by submitting written comments on the Petition, by filing a Notice of Participation as a respondent in this case, and/or by filing a request for hearing on the Petition.

Any person desiring to submit written comments on the petition shall file such comments on or before January 6, 2020. Compact discs or other electronic storage media may not be filed with the comments.

Any person desiring to participate as a respondent in this case shall file a notice of participation on or before January 6, 2020. A copy of the notice of participation must be sent to the Company's counsel at the address referenced above. Any notice of participation must include: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. See the Commission's Order for Notice and Hearing for additional information about participation as a respondent.

Any person desiring to request a hearing on the Petition may do so on or before January 6, 2020. A copy of the request for hearing must be sent to the Company's counsel at the address referenced above. Any request for hearing must include: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for the action; and (iv) a precise statement why a hearing should be conducted in this matter. See the Commission's Order for Notice and Hearing for additional information about participation as a respondent.

If no sufficient request for hearing is received, the Commission may consider the Company's Petition based upon the papers filed herein without convening a hearing at which oral testimony is received.

All comments and filings shall refer to Case No. URS-2019-00389 and shall comply with the Commission's Rules of Practice and Procedure, 5 VAC 5-20-10 *et seq.*, with the following exception: All documents filed with the Office of the Clerk of the Commission in this docket may use both sides of the paper.

The Commission's Rules of Practice and Procedure may be viewed at the Commission's website: <http://www.scc.virginia.gov/case>, or a printed copy may be obtained from the Clerk of the Commission. Comments and filings not submitted electronically through the Commission's website shall be sent to the Clerk of the Commission's physical address as follows: Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118.

VIRGINIA UTILITY PROTECTION SERVICE, LLC

(4) On or before December 6, 2019, VUPS shall serve a copy of this Order for Notice and Comment on all members of the Damage Prevention Advisory Committee. Service shall be made either by personal delivery or first class mail to the customary place of business or residence of the person served.

(5) On or before December 6, 2019, VUPS shall serve a copy of this Order for Notice and Comment upon all members of VUPS, upon the chairman of the board of supervisors of

each county in Virginia, and upon the mayor and manager of every city and town in Virginia (or upon the equivalent officials in counties, cities, and towns having alternate forms of government). Such service shall be made by personal delivery, by first class mail to the address of record with VUPS, or by email to the email address of record with VUPS associated with that individual or entity.

(6) On or before January 15, 2020, VUPS shall file with Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, proof of the notice and service required by Ordering Paragraphs (3), (4), and (5), including the name and address of each person or entity served.

(7) On or before January 6, 2020, any interested person may file written comments on the Petition with the Clerk of the Commission at the address set forth above. Any interested person desiring to submit comments electronically may do so on or before January 6, 2020, by following the instructions found on the Commission's website: <http://www.scc.virginia.gov/case>. Compact discs or any other form of electronic storage medium may not be filed with the comments. All comments shall refer to Case No. URS-2019-00389.

(8) On or before January 6, 2020, any interested person may participate as a respondent in this case by filing a notice of participation. If not filed electronically, an original and fifteen (15) copies of the notice of participation shall be filed with the Clerk of the Commission at the address set forth above. A copy of the notice of participation simultaneously shall be sent to counsel for VUPS at the address in Ordering Paragraph (2). The notice of participation shall refer to Case No. URS-2019-00389 and shall include: (i) a precise statement of the respondent's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known;

and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Commission's Rules of Practice and Procedure, 5 VAC 5-20-10 *et seq.* ("Rules of Practice").

(9) On or before January 6, 2020, any interested person may request a hearing on the Petition. If not filed electronically, an original and fifteen (15) copies of the request for hearing shall be filed with the Clerk of the Commission at the address set forth above. Requests for hearing shall refer to Case No. URS-2019-00389 and shall include: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in this matter. A copy of the request simultaneously shall be sent to counsel for VUPS at the address in Ordering Paragraph (2). If no sufficient request for hearing is received, the Commission may consider the Company's Petition based upon the papers filed herein without convening a hearing at which oral testimony is received.

(10) On or before January 13, 2020, the Commission Staff shall review the Petition and may file with the Clerk of the Commission comments on the proposals contained therein.

(11) On or before January 21, 2020, the Company may file with the Clerk of the Commission a response to the Commission Staff report and to any comments or requests for hearing filed in this case.

(12) All documents filed with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, all filings shall comply fully with the Commission's Rules of Practice.

(13) The Commission's Rules of Practice pertaining to discovery shall be modified for this case as follows: responses and objections to written interrogatories and requests for production of documents shall be served within five (5) business days after receipt of the same. In addition, on the day that copies of the interrogatories or requests for production of documents are filed with the Clerk of the Commission, a copy thereof shall be served electronically, or by facsimile, on the party to whom the interrogatory or request for production of documents is directed or the assigned Commission Staff attorney if the interrogatory or request for production is directed to the Commission Staff.¹⁶ Except as modified above, discovery shall proceed in accordance with the Commission's Rules of Practice.

(14) This case is continued.

AN ATTESTED COPY HEREOF shall be sent by the Clerk of the Commission to: Joseph K. Reid, III, Esquire, and Timothy D. Patterson, Esquire, McGuireWoods LLP, Gateway Plaza, 800 East Cary Street, Richmond, Virginia 23219-3916; and C. Meade Browder, Jr., Senior Assistant Attorney General, Division of Consumer Counsel, Office of the Attorney General, 202 North 9th Street, 8th Floor, Richmond, Virginia 23219; and a copy shall be delivered to the Commission's Office of General Counsel and Division of Utility and Railroad Safety.

¹⁶ The assigned Commission Staff attorney is identified on the Commission's website, <http://www.scc.virginia.gov/case>, by clicking "Docket Search" and then entering the case number, URS-2019-00389, in the appropriate box.